

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CR-00263-RJC-DCK**

USA,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
MELVIN EUGENE BURRIS JR.,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court upon the defendant's Notice of Appeal and Motion to Revoke Detention Order, pursuant to 18 U.S.C. § 3145(b). (Doc. No. 57).

The defendant was arrested on October 2, 2013, after being charged with conspiracy to distribute and to possess with intent to distribute at least five kilograms of cocaine, substantive drug trafficking offenses, and two violations of 18 U.S.C. § 924(c). (Doc. No. 3: Indictment). The defendant was detained by a magistrate judge after a hearing on October 7, 2013. (Doc. No. 51: Order). At the hearing, the government related information about the alleged offenses, including the defendant's possession of a firearm during two drug transactions and his membership in a criminal street gang. The pretrial services report showed the defendant has a criminal history including assaultive conduct, drug possession, and firearm possession. Significantly, the defendant previously committed new offenses while on conditions of release, triggering two probation revocations. The defendant noted his life-long residency in Gaston County, family support, pursuit of a GED, and some work history.


A district court is required to make an independent, de novo determination when acting on a motion to revoke or amend a magistrate judge's pretrial detention order. United States v. Stewart, 19 F. App'x 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings or may state additional reasons supporting pretrial detention. King, 849 F.2d at 490-91.

Here, the Court has carefully conducted a de novo review of the evidence presented before the magistrate judge and the entire record in this case. The Court finds the magistrate judge's factual findings and legal conclusions were correct, and, thus, adopts the Order of Detention Pending Trial, (Doc. No. 51), in its entirety.

IT IS, THEREFORE, ORDERED that the defendant's Notice of Appeal and Motion to Revoke Detention Order, (Doc. No. 57), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: November 21, 2013


Robert J. Conrad, Jr.
United States District Judge

